C Negotiable Instrumen

19/49. File No. 49

Legal Department

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Opinions Under the

Negotiable Instruments Act

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O. Negotiable Instrument

File No. 49

Gen. 194

C O N T E N T S.

Legal Department File No. O. Negotiable Instruments/49.

Sr. No.	R.I. / O. No.	Subject	Pages.
		Opinions under the Negotiable Instruments Act, 1888.	
2.	3191 24/3/1949	Section 138. Appointment of Notary Public in City of Bombay.	1-2.
2.	10238 19/9/1949	Promissory Notes - Law relating to - whether provincial Legislature has got power to amend the	3-4.
3.	13807 16/11/1949	Section 138. Whether attestation of power of attorney and other documents by sub-Registrars as. Notaries Public come within the functions of Sub-Registrar's appointed as Notaries Public.	5-6.

EVI. 6/6.

NP
7/16

Office of the R.L.A.

Appointment of Notary public in City of Bombay.

Negotiable Instruments Act, 1881, sec. 138.

It appears that power was taken by the Central Government under section 138 of the Negotiable Instruments Act to appoint persons to exercise the functions of notaries public owing to the want of notaries in the mofussil (see Bhashyam's Negotiable Instrument Act, P. 23). However under section 138 as it stands Government can appoint a notary to any local area which may be presidency town like the City of Bombay. The rules made by Government under section 139 appear to contemplate the appointment of notaries only in the mofussil (see rule 4 and 8 of Rules made under Notification of the Government of India, No. 1433 M M Judicial, dated 30-9-1886). Consequently unless these rules are properly amended for the purpose, it would not be legally feasible to appoint Mr. Chainani as notary public in the City of Bombay. It appears from his application at page 1 ante that he was so appointed in Karachi. It is not known whether he was so appointed before Sind was made a separate province in which case Karachi could be considered a mofussil town when he was appointed. If necessary, he may be called upon to elucidate these points.

Sd/- P.M. IAD,

Remembrancer of legal Affairs.

U.R. to H.D., No. 3191, dated the 24th March 1949.

HVY. 6/6.

Office of the R.L.A.

Promissory Notes- Law relating to

The Provincial Legislature has no power to amend the Negotiable Instruments Act relating to promissory notes.(see item 23 in the Central Legislative List I).

Sd/- P.M. LAD.

Remembrancer of Legal Affairs.

J. R. to F.D.₹ No. 10458, dated the 15th September 1949.

Submitted for signature.

P.B.
13/9.

A.L.R. R.K.
13/9. R.L.A

WY. 6/6.

Office of the R.L.A.

Negotiable Instruments Act, Sec. 138.

The view expressed by the Inspector General of Registration at A of his letter at page 1 ante and concurred in by H.D. is correct. The persons appointed as notaries public solely under section 138 of the Negitiable Instruments Act are not entitled to attest a documents other than those falling within the Act and Governments of various provinces have issued a warning to Notaries Public under the Act not to attest document outside the scope of their functions under the Act (see Dhanhyam's Negotiable Instruments Act, p. 539).

Sd/- P.M.LAD.

Remembrancer of Legal Affairs.

U.R. to H.D., No. 13007, dated the 16th November 1949.

submitted for signature.

L.R.C.
14/11.

A.A.S. Id/-
14/11

A.L.R. R.K.
15/11.

Issued R.L.A.

C.S.P.
16/11.

EVY. 6/8.